

December 14, 2007

Mr. J. Stewart Cunningham
Chair, Financial Services Tribunal
Suite 1200 – 13450 102nd Avenue
Surrey, BC V3T 5X3

Re: Judicial Review Decision: FST Appeal 06-033: Mr. Peter Buchanan

In accordance with the Reasons for Judgment issued by The Honourable Mr. Justice Curtis on December 10, 2007 in the matter of **Buchanan v. Financial Services Tribunal et al.**, [2007 BCSC 1777], I am allowing the appeal of Mr. Buchanan and remitting the matter back for reconsideration under section 242.2 (11) of the **Financial Institutions Act** to a newly constituted panel of the Discipline Committee of the Real Estate Council of British Columbia.

I direct the Discipline Committee to conduct a new hearing which ensures Mr. Buchanan an assessment of his conduct in relation to the provisions of the **Real Estate Services Act**.

I am remitting the matter back for reconsideration on the basis of the reasoning set out by the Honourable Court, namely that the Discipline Committee erred in applying the former **Real Estate Act** and failed to make a valid decision in relation to the allegations against Mr. Buchanan. This error could not be remedied by the issuance of a Corrigendum.

Sincerely,



Robert Hobart, Tribunal Member
Financial Services Tribunal

pc. Ms. Angela Westmacott, Legal counsel for the Financial Services Tribunal
Mr. Graham Kennedy, FST